

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	
_____)	Judge Patti B. Saris
)	
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, <i>et al.</i>)	
01-cv-12257-PBS and 03-cv-11226-PBS)	
_____)	

STATE OF CALIFORNIA'S MOTION TO FILE
UNDER SEAL

The State of California ("California"), through its undersigned counsel, moves pursuant to Local Rule 7.2 and California Government Code section 12652(c)(2)-(5) to file under seal and to impound until further order of this Court: (1) Ex Parte Application by the State of California for a Partial Lifting of the Seal; (2) Memorandum in Support of Ex Parte Application; (3) Declaration of Nicholas Paul, Supervising Deputy Attorney General; and (4) Proposed Order. California moves on the following grounds:

1. This is a *qui tam* action brought by the Relator, Ven-A-Care of the Florida Keys, Inc., a Florida corporation, pursuant to the California False Claims Act (California Gov. Code §12652).
2. Pursuant to the California False Claims Act, the relator's complaint in a *qui tam* action must be filed in camera and remain under seal until the Attorney General determines that he will intervene or until further order of the court. Cal. Gov. Code § 12652(c)(2). During this period, defendants are not served with summonses or required to respond.

3. Relator's initial and first amended complaints in the above case have been filed in camera and under seal in accordance with this statute, and have not been unsealed to date.

WHEREFORE, California prays that this Court order that the four documents described in the first paragraph be filed under seal and remain impounded until further order of this Court.

Dated: January 18, 2006

BILL LOCKYER
Attorney General of the State of California



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Attorneys for Plaintiff,
STATE OF CALIFORNIA

CERTIFICATE OF SERVICE

I hereby certify that I, Nicholas N. Paul, Deputy Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse, for the State of California, certify that this **STATE OF CALIFORNIA'S MOTION TO FILE UNDER SEAL** document to be filed through the ECF system will be sent electronically to the registered participants/counsel of record pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to LexisNexis File and Service for posting and notification to all parties. Paper copies will be sent to those indicated as non registered participants on January 18, 2006.



NICHOLAS N. PAUL
Supervising Deputy Attorney General